

REMARKS

Claims 1-15, 17-20, 24, and 25 stand rejected under 35 USC 103(a) as being unpatentable over Mallory in view of Murai, Sawada, Lee and Hofmeister. This rejection is respectfully traversed.

Applicants claim a laminate film that includes the following in order: 1) a biaxially oriented polymer film substrate; 2) a metal-containing layer; and 3) an EVOH layer directly on the metal containing layer.

Mallory describes films that include the following in order: 1) a biaxially oriented polyolefin substrate layer; 2) a metal layer; and 3) an a coating layer of PVOH, PVdC, or acrylic. Accordingly, in Mallory a coating layer of PVOH, PVdC, or acrylic is applied over the metal layer not an EVOH layer as claimed. Mallory also described an embodiment that includes a skin layer between the base substrate and the metal layer of EVOH, PE, EP copolymers. Accordingly, in Mallory even if EVOH is used as a skin layer, metallization is vapor deposited on the EVOH layer not vice versa as claimed.

Consequently, the inventors in Mallory specifically chose to include EVOH in a layer other than the layer claimed by applicants. Accordingly, not only does Mallory not disclose a laminate film with the claimed configuration, one of ordinary skill the art would not be motivated to modify Mallory to include the claimed configuration since Mallory explicitly states that the layer on top of the metal layer is not an EVOH layer and explicitly states that if a EVOH layer is used, it is to be placed before the metal layer not after the metal containing layer as claimed.

The Examiner states that Mallory fails "to disclose laminating additional claimed layers and an outer winding layer comprising antiblock component." The Examiner cites to Murai, Sawada, Lee and Hofmeister, as disclosing these other layers. However, as described above, the configuration utilized in Mallory is different than the claimed configuration with or without these additional layers. Further, as described above, it would not be obvious to modify Mallory to obtain the claimed configuration.

For the foregoing reasons, the rejection of claims 1-15, 17-20, 24, and 25, should be withdrawn.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing attorney docket number **361752002400**.

Dated: January 24, 2007

Respectfully submitted,

By

Jonathan Bockman

Registration No.: 42,465

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7769 – Telephone

(703) 760-7777 - Facsimile